

**FOR THE NORTHER DISTRICT OF WEST VIRGINIA
CLARKSBURG DIVISION**

ERICK LEONEL CRISTAL CUMES,

Petitioner,

v.

**Civil Action No. 1:26-CV-00056
(KLEEH)**

TODD M. LYONS, Acting Director, United States Immigration and Customs Enforcement; MARKWAYNE MULLIN, Secretary of Homeland Security; TODD BLANCHE, Acting United States Attorney General; JOHN RIFE, Field Office Director, Philadelphia Field Office, United States Immigration and Customs Enforcement; in their official capacities,

Respondent.

NOTICE REGARDING PETITIONER'S BOND HEARING

Pursuant to this Court's order of July 9, 2026 (Dkt. No. 37), the federal respondents, through their undersigned counsel, hereby respectfully submit the instant notice regarding the bond hearing held with respect to the petitioner in the above-captioned habeas action.

In this habeas action, petitioner Erick Leonel Cristal Cumes filed his petition for a writ of habeas corpus on May 28, 2026 (Dkt. No. 1), and amended this petition on June 5, 2026. After a hearing on jurisdiction and full briefing on the merits (Dkt. Nos 23, 34-35), on July 9, 2026, this Court entered an order granting in part and denying in part the petition. Relevant to this filing, the Order directed, that the Federal Respondents "**HOLD A BOND HEARING** in front of an Immigration Judge pursuant to 8 U.S.C. § 1226(a) on or by **July 14, 2026**. Respondents shall **FILE** a status report with this Court within **three (3) days** of the bond hearing, stating whether Petitioner has been granted bond, and, if his request for bond was denied, the basis for such denial. (Dkt. No.

37, at 6).

The Immigration Court held a bond hearing for petitioner on July 13, 2026, at which time petitioner was denied release based on the Immigration Judge's conclusion as follows:¹

The Court finds that DHS has met its burden by clear and convincing evidence that Respondent is a flight risk and no amount of bond will mitigate his flight risk. The Court considered the evidence filed in the bond proceedings and in the removal proceeding and the relevant law in making this decision. The Court considered the following factors, including but not limited to: On 5/28/2026, Officers executed a search warrant, signed by a judge, at the restaurant where Respondent was employed. All employees complied with all requests by ICE except for Respondent. He was restrained due to his noncompliance with clearly identified law enforcement-- according to the I-213 there is a recording of this encounter. Respondent claims he only entered the United States unlawfully once, in 12/2021. Respondent has not been in the United States for a significant period of time. Respondent has very few familial ties in the United States. Respondent very recently married a United States citizen on 4/4/2026. Respondent did not attempt to remedy his unlawful status until after he was detained. He filed an I-589 after he was detained, which was pretermitted on 7/13/2026, and a removal order issued 7/15/2026. Respondent does not have a reasonable chance of success on appeal. Respondent filed an I-130 on 6/15/2026, which is pending, after he was detained. However, Respondent entered the United States unlawfully. As such, he is ineligible to adjust his status even with an approved I-130. Respondent must obtain an unlawful presence waiver, which is wholly speculative. He also cannot petition for such waiver while in open removal proceedings. Respondent has never pursued lawful status until after he was detained. Respondent does not currently have a viable avenue to lawful status. The Court also cannot speculate as to whether USCIS will grant the I-130, nonetheless, he will not be able to adjust his status with a removal order.

See Order of the Immigration Judge, at Exhibit A, and Addendum of Law, at Exhibit B.

MATTHEW L. HARVEY
UNITED STATES ATTORNEY

By: /s/ Jordan V. Palmer
Assistant United States Attorney
W. Va. Bar # 12899
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¹ The Order is dated July 15, 2026, and it even makes a reference to an event which occurred on July 15, 2026. Undersigned counsel has been informed that the hearing took place on July 13, 2026, and that the order was drafted and executed on July 15, 2026 and included the updated procedural information.

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Counsel for Respondents

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy NOTICE REGARDING PETITIONER'S BOND HEARING was electronically filed with the Clerk of the Court by using the CM/ECF system on the 16th day of July, 2026, which will provide a copy to all counsel of record.

MATTHEW L. HARVEY
UNITED STATES ATTORNEY

By: /s/ Jordan V. Palmer
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United States Attorney's Office